REMARKS

In the Office Action issued on January 17, 2006, claims 1-3 and 11-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,566,295 to Cypher et al. (Cypher). Claims 4, 6, and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cypher in view of U.S. Patent No. 4,868,755 to McNulty et al. (McNulty). Claims 5 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cypher in view of McNulty and further in view of U.S. Patent No. 4,930,084 to Hosaka et al. (Hosaka).

Claims 1-11 and 13 are now pending in this application. Claim 1 was amended to more particularly point out the subject matter that the applicant considers to be the invention.

The Applicant respectfully submits that the present invention according to claims 1-3 and 11 and 13 is not anticipated by Cypher. Cypher discloses an extensible simulation system and graphical programming method that enables a simulation user to program the behaviors of objects in a simulation while requiring no knowledge of computer programming concepts or languages. In particular, Cypher discloses that a simulation user can combine rules to create subroutines. The subroutine editor allows the user to define a subroutine for an object by selecting and ordering one or more rules in an objects rule list. (col. 10, lines 25-28) Thus, Cypher discloses subroutines that are associated with objects. However, claim 1 requires that states comprise rule blocks. Cypher's disclosure of subroutines that are associated with objects does not disclose or suggest states that comprise rule blocks, as is required by claim 1. At col. 10, lines 52-53, Cypher discloses individual rules that correspond to a selected object. Cypher's disclosure of individual rules that correspond to a selected object does not disclose or suggest states that comprise rule blocks, as is required by claim 1. At col. 10, lines 66-67, Cypher discloses that a simulation context is a simulation state that can occur during the simulation's

6

execution. Again, Cypher's disclosure that a simulation context is a simulation state that can occur during the simulation's execution does not disclose or suggest states that comprise rule blocks, as is required by claim 1.

As Cypher does not disclose or suggest the required states that comprise rule blocks, Cypher likewise does not disclose or suggest the requirement of claim 1 that the decision support window also comprises the name of one or more rule blocks which form part of the state.

Therefore, the present invention according to claim 1, and according to claims 2-3 and 11 and 13 which depend therefrom, is not anticipated by Cypher.

The Applicant respectfully submits that the present invention according to claims 4, 6, and 8-10 is not unpatentable over Cypher in view of McNulty because even if Cypher and McNulty were combined as suggested by the Examiner, the result would not be the present invention as claimed. McNulty disclosesan automatic control system for an aircraft that has a first controller connected to the pilot's operating controls. McNulty does not disclose or suggest states that comprise rule blocks or that the decision support window also comprises the name of one or more rule blocks which form part of the state, as are required by claim 1.

Thus, the combination of Cypher and McNulty still fails to disclose or suggest these required elements of the present invention. Therefore, the present invention, according to claims 4, 6, and 8-10 is not unpatentable over Cypher in view of McNulty.

The Applicant respectfully submits that the present invention according to claims 5 and 7 is not unpatentable over Cypher in view of McNulty and further in view of Hosaka because even if Cypher, McNulty, and Hosaka were combined as suggested by the Examiner, the result would not be the present invention as claimed. Hosaka discloses a vehicle control system embodied as an autocruise control. Hosaka does not disclose or suggest states that comprise rule blocks or

7

that the decision support window also comprises the name of one or more rule blocks which form part of the state, as are required by claim 1.

Thus, the combination of Cypher, McNulty, and Hosaka still fails to disclose or suggest these required elements of the present invention. Therefore, the present invention, according to claims 5 and 7 is not unpatentable over Cypher in view of McNulty and further in view of Hosaka.

In view of the above, it is respectfully submitted that the present invention is allowable over the references relied upon in the Office Action. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.
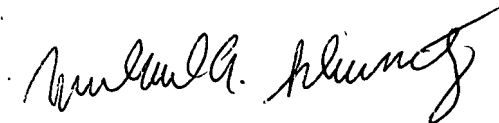
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4047 (4258800019).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Date: <u>September 4, 2007</u>

Michael A. Schwartz, Reg. No. 40,161
Attorney for Applicants
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, D.C. 20006
(202) 373-6000